

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAMIEN SHARELL HOWARD,
#176 300,

Plaintiff,

v.

JULIA JORDAN WELLER,
Clerk, HONORABLE BOLIN,
HONORABLE MAIN,
HONORABLE MURDOCK,
HONORABLE SHAW,
HONORABLE BRYAN, SCOTT
P. TAYLOR, Circuit Judge,
MARY B. WINDOM,

Defendants.

CASE NO. 2:16-CV-643-WKW
[WO]

ORDER

Before the court is the Recommendation of the Magistrate Judge. (Doc. # 10.)

There being no timely objection filed to the Recommendation, and based on a review of the record, it is ORDERED as follows:

1. The Recommendation of the Magistrate Judge (Doc. # 10) is ADOPTED;

2. Plaintiff's § 1983 complaint against Defendants Taylor, Windom, Main, Shaw, Bryan, Bolin, and Murdock is DISMISSED with prejudice prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(i) & (iii);

3. To the extent Plaintiff's claims seek to challenge the constitutionality of the conviction and sentence imposed upon him by the Circuit Court for Baldwin County, Alabama, such claims are DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) as they are not properly before the court at this time;

4. Plaintiff's § 1983 complaint against Defendant Weller is DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii); and

5. This complaint is DISMISSED prior to service of process.

A final judgment will be entered separately.

DONE this 13th day of April, 2017.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE